

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTHONY THREATT,

Petitioner,

Case Number: 2:06-CV-11742

v.

HON. GEORGE CARAM STEEH

THOMAS BIRKETT,

Respondent.

**ORDER DENYING PETITIONER'S MOTION TO CORRECT
MISTAKE, INADVERTENCE, SURPRISE, OR EXCUSABLE NEGLIGENCE,
AND MOTION FOR RECONSIDERATION**

Petitioner Anthony Threatt, presently confined at the Baraga Maximum Correctional Facility in Baraga, Michigan, filed a petition for a writ of habeas corpus. He challenged his convictions for aggravated stalking and fourth habitual offender. The Court denied the petition. Now before the Court are Petitioner's "Motion to Correct Mistake, Inadvertence, Surprise, or Excusable Neglect" (Motion to Correct Mistake) and "Reconsideration Motion for Sixty B Motion."

In his Motion to Correct Mistake, Petitioner seeks relief from judgment under Federal Rule of Civil Procedure 60(b)(1) through (6). Petitioner already has filed a motion for relief from judgment under Rule 60(b)(1) through (6). The Court transferred that motion to the Sixth Circuit Court of Appeals because it was a successive habeas corpus petition and Petitioner did receive prior authorization from the Court of Appeals to

file a successive petition. The pending motion is duplicative of the earlier-filed motion and will be denied.

Petitioner also seeks reconsideration of the Court's order transferring his first motion for relief from judgment to the Court of Appeals. Motions for reconsideration may be granted when the moving party shows (1) a "palpable defect," (2) by which the court and the parties were misled, and (3) the correction of which will result in a different disposition of the case. E.D. Mich. L.R. 7.1(h)(3). A "palpable defect" is a "defect which is obvious, clear, unmistakable, manifest or plain." *Olson v. The Home Depot*, 321 F. Supp. 2d 872, 874 (E.D. Mich. 2004). While Petitioner disagrees with the Court's decision transferring his petition, he fails to show that the decision was based upon a palpable defect.

Accordingly, **IT IS ORDERED** that Petitioner's "Motion to Correct Mistake, Inadvertence, Surprise, or Excusable Neglect" [dkt. # 60] and "Reconsideration Motion for Sixty B Motion" [dkt. #68] are **DENIED**.

Dated: March 15, 2011

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE
Copies of this Order were served upon attorneys of record on March 15, 2011, by electronic and/or ordinary mail and also to Anthony Threatt at Baraga Maximum Correctional Facility, 13924 Wadogo Road, Baraga, MI 49908-9204.
S/Josephine Chaffee
Deputy Clerk